

- 5 -

Ser. No. 09/996.629**REMARKS**

The Applicants thank the Examiner for his careful analysis of the specification and claims. The application is a divisional application. Two claims are pending in the case, claims 21-22. Both claims stand rejected for obviousness under 35 U.S.C. §103(a) over Kedar in view of Farina. The Examiner states that Kedar teaches a method of loading samples into wells of a sample collection container with reactants and supports, placing the sample/collection container in a centrifuge, and spinning the sample/collection container at a speed to ensure that the liquid from the upper well moves through the capillary hole into a collection well. Kedar does not teach centrifugation at different speeds. Further, the Examiner states that Farina teaches centrifugation of a reactor/separator device at multiple speeds, the first to bring the reactants into contact with the immobilized material and a second to cause the reactants to flow through a separation media to the collection well. The Examiner states that the combination of the references makes the claims of the instant invention obvious.

The Applicants submit that no motivation exists to combine the references of Kedar and Farina and that the combination could have only been made using impermissible hindsight. Kedar teaches a multiwell plate system in which reagents are reacted in the upper well wherein at least a portion of the reactants are attached to a solid support, cleaving the reaction product from the solid support and causing the reaction product to be released from the reaction well by vacuum or centrifugal force. Such an apparatus is amenable to use in a combinatorial chemistry setting. Farina teaches a reaction column in which components are forced into a water impermeable disc by means of centrifugation at a low speed and use of buffers followed by separation of the reaction products by use of an ion exchange resin by means of high speed centrifugation. Such an apparatus is amenable to use in an immune assay setting as stated in the first sentence of the abstract. The Applicants submit that combinatorial chemistry and immunology are non-analogous fields and that one skilled in the art in one area would not look to the other for teachings

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- 6 -

Ser. No. 09/996.629

on assays. Second, the centrifugation step of Kedar and the second centrifugation step of Farina are for substantially different purposes. The centrifugation step of Kedar is to transfer essentially all of the reaction product from the upper well to the lower well. The second centrifugation step in Farina is to force the reaction mixture through the ion exchange matrix to separate the reaction product, which flows through the matrix, from the free radioisotope that is retained in the matrix. These processes are clearly distinct.

The Applicants submit that the step of the first centrifugation step of the instant invention is to minimize creep between wells in the instant invention. This is clearly distinct from Farina who uses a low speed spin to transfer all of the samples and reagents into a matrix for reaction of the components. Due to the structure of Farina, no creep between the samples could occur as they are in separate holders in a swinging bucket centrifuge. The tubes are not attached to each other; therefore, a solution could not "creep" between them. No suggestions are provided in Kedar to suggest that centrifugation at various speeds would be useful.

The Applicants further submit that the combination of references could only have been made using impermissible hindsight as the advantage of the combination of Kedar with Farina is neither taught nor suggested by the references. The ability to combine the references does not make their combination obvious. Farina issued on January 13, 1981, long before the filing date of Kedar in 1997. Kedar teaches distribution of chemical compositions in various regions "with each chemical composition being distinct or physically separated from any other chemical composition" (col 2, ln 40-42). Therefore, the desirability of the prevention of cross contamination is taught. The method of using two centrifugation speeds as taught by Farina was clearly known at the time of the application of Kedar, but no such step was included or suggested in the reference. Based on the teachings of the instant application, the benefits of a low speed centrifugation are understood. However, the use of this extra step to prevent contamination of samples was not obvious prior to the filing of the instant application. Therefore the rejection of claims

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- 7 -

Ser. No. 09/996.629

21 and 22 under 35 U.S.C. §103 is traversed.

The Applicants have added claim 23 which includes the limitation of having the second centrifugation step that results in the steps of the solution exiting via the top of the well, across a bridge portion and through a drain tube into a collection well. The limitations incorporated into claim 23 not included in claim 21 are substantiated in the specification on page 32, lines 17-21. It states:

Bridge portion 2504 slopes upwardly, away from the bottom and may be, as shown, narrower than well 1710, and particularly solid support 2102, so that only solution containing the cleaved compound can pass across bridge portion 2504 and down into drain tube 1712 when the centrifuge is activated as described below.

This is clearly distinct from both Kedar and Farina that teach that centrifugal force causes the solution to exit through the bottom of the sample well/tube to the collection well tube. Such a method is neither taught nor suggested by either of the references cited by the Examiner. Therefore, the Applicants submit that the claim is both non-anticipated and non-obvious in view of the prior art.

FEES

It is believed that there is no fee due with this response. However, if a fee is due, the Commissioner is hereby entitled to charge Deposit Account No. 02-2070 referencing case number 6444-PA05D.

CONCLUSIONS

In view of the forgoing amendments and arguments, the Applicants submit that the application is now in proper form for allowance. If the Examiner feels that there are any remaining issues in the case that may be addressed by a telephonic interview, the

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- 8 -

Ser. No. 09/996,629

Examiner is invited to call the Agent for Applicant, collect, at the number below to discuss the case.

Respectfully submitted,

Dated: September 26, 2003

By: 

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